

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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March 1, 2021

**BY ECF**

The Honorable Judge Loretta A. Preska  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**RE: United States v. Richard Diver  
19 Cr. 533 (LAP)**

Honorable Judge Preska:

I write on behalf of Richard Diver, the defendant in the above-captioned case, to request that the Court extend for three months his date to surrender for the service of his sentence. The Government does not object to this request.

At Mr. Diver's sentencing on December 7, 2020, the Court set March 8, 2021 as Mr. Diver's surrender date. This date was set in light of the ongoing Covid-19 global pandemic and in recognition of Mr. Diver's chronic illnesses which require critical medical services, including intravenous immunoglobulin therapy to treat chronic inflammatory demyelinating polyneuropathy, a neurological disorder. At sentencing, Your Honor noted that the Court would allow counsel to request a delay of Mr. Diver's surrender date in light of Mr. Diver's medical condition and the ongoing global pandemic.

Mr. Diver is currently eligible for the Covid-19 vaccine and is on a list to receive the vaccine in New Jersey where he resides, but has not yet been informed of a date on which he may receive it. He hopes to be notified in the coming days and anticipates being fully vaccinated by the end of June 2021. Accordingly, the defense respectfully requests the Court extend Mr. Diver's surrender date from March 8, 2021 to June 28, 2021. This will enable Mr. Diver to become fully immunized before serving his period of incarceration, which is vital given his myriad medical diagnoses. The Government does not object to this request.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Marne L. Lenox

Marne L. Lenox  
Assistant Federal Defender  
(212) 417-8721

cc: Martin Bell, Assistant U.S. Attorney (by ECF)  
Pamela Flemen, U.S. Department of Probation (by email)

Mr. Diver's surrender date is hereby extended from March 8, 2021 to June 28, 2021.

**SO ORDERED.**

Dated: March 1, 2021  
New York, New York



LORETTA A. PRESKA, U.S.D.J.